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133rd General Assembly

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Sub. H. B. No. 253

Representatives Manning, D., O'Brien

Cosponsors: Representatives Seitz, Lipps, Carruthers, Cutrona, Miller, J.

A BILL

To amend sections 3743.01, 3743.04, 3743.08, 1
3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 2
3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3
3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 4
and to enact sections 3743.021, 3743.041, 5
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 6
3743.28, 3743.29, 3743.451, 3743.46, 3743.47, 7
and 3743.67 of the Revised Code to revise the 8
Fireworks Law. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3743.01, 3743.04, 3743.08, 10
3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 11
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, 12
and 5703.21 be amended and sections 3743.021, 3743.041, 13
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 14
3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code be 15
enacted to read as follows: 16

Sec. 3743.01. As used in this chapter: 17

(A) "Beer" and "intoxicating liquor" have the same 18

meanings as in section 4301.01 of the Revised Code. 19

(B) "Booby trap" means a small tube that has a string 20
protruding from both ends, that has a friction-sensitive 21
composition, and that is ignited by pulling the ends of the 22
string. 23

(C) "Cigarette load" means a small wooden peg that is 24
coated with a small quantity of explosive composition and that 25
is ignited in a cigarette. 26

(D) (1) "1.3G fireworks" means display fireworks consistent 27
with regulations of the United States department of 28
transportation as expressed using the designation "division 1.3" 29
in Title 49, Code of Federal Regulations. 30

(2) "1.4G fireworks" means consumer fireworks consistent 31
with regulations of the United States department of 32
transportation as expressed using the designation "division 1.4" 33
in Title 49, Code of Federal Regulations. 34

(E) "Controlled substance" has the same meaning as in 35
section 3719.01 of the Revised Code. 36

(F) "Fireworks" means any composition or device prepared 37
for the purpose of producing a visible or an audible effect by 38
combustion, deflagration, or detonation, except ordinary matches 39
and except as provided in section 3743.80 of the Revised Code. 40

(G) "Fireworks plant" means all buildings and other 41
structures in which the manufacturing of fireworks, or the 42
storage or sale of manufactured fireworks by a manufacturer, 43
takes place. 44

(H) "Fountain device" means a specific type of 1.4G 45
firework, a ground-based or hand-held sparkler with one or more 46

tubes containing a nonexplosive pyrotechnic mixture that 47
produces a shower of sparks upon ignition and that contains not 48
more than seventy-five grams of this mixture in any individual 49
tube and not more than five hundred grams of this mixture in 50
total. 51

(I) "Highway" means any public street, road, alley, way,
lane, or other public thoroughfare. 52
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~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed
exhibitor" means a person licensed pursuant to sections 3743.50
to 3743.55 of the Revised Code. 54
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~~(J)~~ (K) "Licensed fountain device retailer" or "licensed
retailer" means a person licensed pursuant to section 3743.26 of
the Revised Code. 57
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(L) "Licensed manufacturer of fireworks" or "licensed
manufacturer" means a person licensed pursuant to sections
3743.02 to 3743.08 of the Revised Code. 60
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~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed
wholesaler" means a person licensed pursuant to sections 3743.15
to 3743.21 of the Revised Code. 63
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~~(L)~~ (N) "List of licensed exhibitors" means the list
required by division (C) of section 3743.51 of the Revised Code. 66
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~~(M)~~ (O) "List of licensed manufacturers" means the list
required by division (C) of section 3743.03 of the Revised Code. 68
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~~(N)~~ (P) "List of licensed wholesalers" means the list
required by division (C) of section 3743.16 of the Revised Code. 70
71

~~(O)~~ (Q) "Manufacturing of fireworks" means the making of
fireworks from raw materials, none of which in and of themselves
constitute a fireworks, or the processing of fireworks. 72
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~~(P)~~ (R) "Navigable waters" means any body of water 75
susceptible of being used in its ordinary condition as a highway 76
of commerce over which trade and travel is or may be conducted 77
in the customary modes, but does not include a body of water 78
that is not capable of navigation by barges, tugboats, and other 79
large vessels. 80

~~(Q)~~ (S) "Novelties and trick noisemakers" include the 81
following items: 82

(1) Devices that produce a small report intended to 83
surprise the user, including, but not limited to, booby traps, 84
cigarette loads, party poppers, and snappers; 85

(2) Snakes or glow worms; 86

(3) Smoke devices; 87

(4) Trick matches. 88

~~(R)~~ (T) "Party popper" means a small plastic or paper item 89
that contains not more than sixteen milligrams of friction- 90
sensitive explosive composition, that is ignited by pulling a 91
string protruding from the item, and from which paper streamers 92
are expelled when the item is ignited. 93

~~(S)~~ (U) "Processing of fireworks" means the making of 94
fireworks from materials all or part of which in and of 95
themselves constitute a fireworks, but does not include the mere 96
packaging or repackaging of fireworks. 97

~~(T)~~ (V) "Railroad" means any railway or railroad that 98
carries freight or passengers for hire, but does not include 99
auxiliary tracks, spurs, and sidings installed and primarily 100
used in serving a mine, quarry, or plant. 101

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 102

fireworks to a purchaser who intends to use the fireworks, and 103
not resell them. 104

~~(V)~~(X) "Smoke device" means a tube or sphere that 105
contains pyrotechnic composition that, upon ignition, produces 106
white or colored smoke as the primary effect. 107

~~(W)~~(Y) "Snake or glow worm" means a device that consists 108
of a pressed pellet of pyrotechnic composition that produces a 109
large, snake-like ash upon burning, which ash expands in length 110
as the pellet burns. 111

~~(X)~~(Z) "Snapper" means a small, paper-wrapped item that 112
contains a minute quantity of explosive composition coated on 113
small bits of sand, and that, when dropped, implodes. 114

~~(Y)~~(AA) "Trick match" means a kitchen or book match that 115
is coated with a small quantity of explosive composition and 116
that, upon ignition, produces a small report or a shower of 117
sparks. 118

~~(Z)~~(BB) "Wire sparkler" means a sparkler consisting of a 119
wire or stick coated with a nonexplosive pyrotechnic mixture 120
that produces a shower of sparks upon ignition and that contains 121
no more than one hundred grams of this mixture. 122

~~(AA)~~(CC) "Wholesale sale" or "sell at wholesale" means a 123
sale of fireworks to a purchaser who intends to resell the 124
fireworks so purchased. 125

~~(BB)~~(DD) "Licensed premises" means the real estate upon 126
which a licensed manufacturer or wholesaler of fireworks 127
conducts business. 128

~~(CC)~~(EE) "Licensed building" means a building on the 129
licensed premises of a licensed manufacturer or wholesaler of 130

fireworks that is approved for occupancy by the building 131
official having jurisdiction. 132

~~(DD)~~ (FF) "Fireworks incident" means any action or 133
omission that occurs at a fireworks exhibition, that results in 134
injury or death, or a substantial risk of injury or death, to 135
any person, and that involves either of the following: 136

(1) The handling or other use, or the results of the 137
handling or other use, of fireworks or associated equipment or 138
other materials; 139

(2) The failure of any person to comply with any 140
applicable requirement imposed by this chapter or any applicable 141
rule adopted under this chapter. 142

~~(EE)~~ (GG) "Discharge site" means an area immediately 143
surrounding the mortars used to fire aerial shells. 144

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 145
or other location at a fireworks exhibition where a fireworks 146
incident occurs, a location where an injury or death associated 147
with a fireworks incident occurs, or a location where evidence 148
of a fireworks incident or an injury or death associated with a 149
fireworks incident is found. 150

~~(GG)~~ (II) "Storage location" means a single parcel or 151
contiguous parcels of real estate approved by the fire marshal 152
pursuant to division (I) of section 3743.04 of the Revised Code 153
or division ~~(G)~~ (F) of section 3743.17 of the Revised Code that 154
are separate from a licensed premises containing a retail 155
showroom, and which parcel or parcels a licensed manufacturer or 156
wholesaler of fireworks may use only for the distribution, 157
possession, and storage of fireworks in accordance with this 158
chapter. 159

Sec. 3743.021. Notwithstanding the deadline in division 160
(A) of section 3743.02 of the Revised Code, any person who 161
wishes to be a licensed manufacturer of fireworks in this state 162
at the end of the period described in division (A)(1) of section 163
3743.75 of the Revised Code, and who does not already hold a 164
license as a manufacturer of fireworks that will run through 165
that date, may submit an application for licensure, pursuant to 166
section 3743.02 of the Revised Code, not less than two months 167
before the expiration of the period described in division (A)(1) 168
of section 3743.75 of the Revised Code. 169

Sec. 3743.04. (A) The license of a manufacturer of 170
fireworks is effective for one year beginning on the first day 171
of December. ~~The, and the~~ state fire marshal shall issue or 172
renew a license only on that date and at no other time. If a 173
manufacturer of fireworks wishes to continue manufacturing 174
fireworks at the designated fireworks plant after its then 175
effective license expires, it shall apply no later than the 176
first day of October for a new license pursuant to section 177
3743.02 of the Revised Code. The state fire marshal shall send a 178
written notice of the expiration of its license to a licensed 179
manufacturer at least three months before the expiration date. 180

(B) If, during the effective period of its licensure, a 181
licensed manufacturer of fireworks wishes to construct, locate, 182
or relocate any buildings or other structures on the premises of 183
its fireworks plant, to make any structural change or renovation 184
in any building or other structure on the premises of its 185
fireworks plant, ~~or~~ to change the nature of its manufacturing of 186
fireworks so as to include the processing of fireworks, or to 187
relocate its fireworks plant to a new licensed premises, the 188
manufacturer shall notify the state fire marshal in writing. The 189
state fire marshal may require a licensed manufacturer also to 190

submit documentation, including, but not limited to, plans 191
covering the proposed construction, location, relocation, 192
structural change or renovation, ~~or~~ change in manufacturing of 193
fireworks, or new licensed premises, if the state fire marshal 194
determines the documentation is necessary for evaluation 195
purposes in light of the proposed construction, location, 196
relocation, structural change or renovation, ~~or~~ change in 197
manufacturing of fireworks, or new licensed premises. 198

Upon receipt of the notification and additional 199
documentation required by the state fire marshal, the state fire 200
marshal shall inspect the existing premises of the fireworks 201
plant, or proposed new licensed premises, to determine if the 202
proposed construction, location, relocation, structural change 203
or renovation, ~~or~~ change in manufacturing of fireworks ~~conforms,~~ 204
or new licensed premises conform to sections 3743.02 to 3743.08 205
of the Revised Code and the rules adopted by the state fire 206
marshal pursuant to section 3743.05 of the Revised Code. The 207
state fire marshal shall issue a written authorization to the 208
manufacturer for the construction, location, relocation, 209
structural change or renovation, ~~or~~ change in manufacturing of 210
fireworks, or new licensed premises, if the state fire marshal 211
determines, upon the inspection and a review of submitted 212
documentation, that the construction, location, relocation, 213
structural change or renovation, ~~or~~ change in manufacturing of 214
fireworks ~~conforms,~~ or new licensed premises conform to those 215
sections and rules. Upon authorizing a change in manufacturing 216
of fireworks to include the processing of fireworks, the state 217
fire marshal shall make notations on the manufacturer's license 218
and in the list of licensed manufacturers in accordance with 219
section 3743.03 of the Revised Code. 220

On or before June 1, 1998, a licensed manufacturer shall 221

install, in every licensed building in which fireworks are 222
manufactured, stored, or displayed and to which the public has 223
access, interlinked fire detection, smoke exhaust, and smoke 224
evacuation systems that are approved by the superintendent of 225
industrial compliance, and shall comply with floor plans showing 226
occupancy load limits and internal circulation and egress 227
patterns that are approved by the state fire marshal and 228
superintendent, and that are submitted under seal as required by 229
section 3791.04 of the Revised Code. Notwithstanding section 230
3743.59 of the Revised Code, the construction and safety 231
requirements established in this division are not subject to any 232
variance, waiver, or exclusion. 233

(C) The license of a manufacturer of fireworks authorizes 234
the manufacturer to engage only in the following activities: 235

(1) The manufacturing of fireworks on the premises of the 236
fireworks plant as described in the application for licensure or 237
in the notification submitted under division (B) of this 238
section, except that a licensed manufacturer shall not engage in 239
the processing of fireworks unless authorized to do so by its 240
license. 241

(2) To possess for sale at wholesale and sell at wholesale 242
the fireworks manufactured by the manufacturer, to persons who 243
are licensed wholesalers of fireworks, to ~~out of state residents~~ 244
persons in accordance with ~~section sections~~ 3743.44 of the 245
Revised Code, to ~~residents of this state in accordance with~~ 246
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 247
located in another state provided the fireworks are shipped 248
directly out of this state to them by the manufacturer. A person 249
who is licensed as a manufacturer of fireworks on June 14, 1988, 250
also may possess for sale and sell pursuant to division (C) (2) 251

of this section fireworks other than those the person 252
manufactures. The possession for sale shall be on the premises 253
of the fireworks plant described in the application for 254
licensure or in the notification submitted under division (B) of 255
this section, and the sale shall be from the inside of a 256
licensed building and from no other structure or device outside 257
a licensed building. At no time shall a licensed manufacturer 258
sell any class of fireworks outside a licensed building. 259

(3) Possess for sale at retail and sell at retail the 260
fireworks manufactured by the manufacturer, other than 1.4G 261
fireworks as designated by the state fire marshal in rules 262
adopted pursuant to division (A) of section 3743.05 of the 263
Revised Code, to licensed exhibitors in accordance with sections 264
3743.50 to 3743.55 of the Revised Code, and possess for sale at 265
retail and sell at retail the fireworks manufactured by the 266
manufacturer, including 1.4G fireworks, to ~~out of state~~ 267
~~residents persons~~ in accordance with ~~section sections~~ 3743.44 of 268
~~the Revised Code, to residents of this state in accordance with~~ 269
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 270
located in another state provided the fireworks are shipped 271
directly out of this state to them by the manufacturer. A person 272
who is licensed as a manufacturer of fireworks on June 14, 1988, 273
may also possess for sale and sell pursuant to division (C) (3) 274
of this section fireworks other than those the person 275
manufactures. The possession for sale shall be on the premises 276
of the fireworks plant described in the application for 277
licensure or in the notification submitted under division (B) of 278
this section, and the sale shall be from the inside of a 279
licensed building and from no other structure or device outside 280
a licensed building. At no time shall a licensed manufacturer 281
sell any class of fireworks outside a licensed building. 282

A licensed manufacturer of fireworks shall sell under 283
division (C) of this section only fireworks that meet the 284
standards set by the consumer product safety commission or by 285
the American fireworks standard laboratories or that have 286
received an EX number from the United States department of 287
transportation. 288

(D) The license of a manufacturer of fireworks shall be 289
protected under glass and posted in a conspicuous place on the 290
premises of the fireworks plant. Except as otherwise provided in 291
this division, the license is not transferable or assignable to 292
another person. A license may be transferred to another person 293
for the same fireworks plant for which the license was issued, 294
or approved pursuant to division (B) of this section, if the 295
assets of the plant are transferred to that person by 296
inheritance or by a sale approved by the state fire marshal. The 297
license is subject to revocation in accordance with section 298
3743.08 of the Revised Code. 299

(E) The state fire marshal shall not place the license of 300
a manufacturer of fireworks in a temporarily inactive status 301
while the holder of the license is attempting to qualify to 302
retain the license. 303

(F) Each licensed manufacturer of fireworks that possesses 304
fireworks for sale and sells fireworks under division (C) of 305
section 3743.04 of the Revised Code, or a designee of the 306
manufacturer, whose identity is provided to the state fire 307
marshal by the manufacturer, annually shall attend a continuing 308
education program. The state fire marshal shall develop the 309
program and the state fire marshal or a person or public agency 310
approved by the state fire marshal shall conduct it. A licensed 311
manufacturer or the manufacturer's designee who attends a 312

program as required under this division, within one year after 313
attending the program, shall conduct in-service training as 314
approved by the state fire marshal for other employees of the 315
licensed manufacturer regarding the information obtained in the 316
program. A licensed manufacturer shall provide the state fire 317
marshal with notice of the date, time, and place of all in- 318
service training. For any program conducted under this division, 319
the state fire marshal shall, in accordance with rules adopted 320
by the state fire marshal under Chapter 119. of the Revised 321
Code, establish the subjects to be taught, the length of 322
classes, the standards for approval, and time periods for 323
notification by the licensee to the state fire marshal of any 324
in-service training. 325

(G) A licensed manufacturer shall maintain comprehensive 326
general liability insurance coverage in the amount and type 327
specified under division (B) (2) of section 3743.02 of the 328
Revised Code at all times. Each policy of insurance required 329
under this division shall contain a provision requiring the 330
insurer to give not less than fifteen days' prior written notice 331
to the state fire marshal before termination, lapse, or 332
cancellation of the policy, or any change in the policy that 333
reduces the coverage below the minimum required under this 334
division. Prior to canceling or reducing the amount of coverage 335
of any comprehensive general liability insurance coverage 336
required under this division, a licensed manufacturer shall 337
secure supplemental insurance in an amount and type that 338
satisfies the requirements of this division so that no lapse in 339
coverage occurs at any time. A licensed manufacturer who secures 340
supplemental insurance shall file evidence of the supplemental 341
insurance with the state fire marshal prior to canceling or 342
reducing the amount of coverage of any comprehensive general 343

liability insurance coverage required under this division. 344

(H) The state fire marshal shall adopt rules for the 345
expansion or contraction of a licensed premises and for approval 346
of such expansions or contractions. The boundaries of a licensed 347
premises, including any geographic expansion or contraction of 348
those boundaries, shall be approved by the state fire marshal in 349
accordance with rules the state fire marshal adopts. If the 350
licensed premises consists of more than one parcel of real 351
estate, those parcels shall be contiguous unless an exception is 352
allowed pursuant to division (I) of this section. 353

(I) (1) A licensed manufacturer may expand its licensed 354
premises within this state to include not more than two storage 355
locations that are located upon one or more real estate parcels 356
that are noncontiguous to the licensed premises as that licensed 357
premises exists on the date a licensee submits an application as 358
described below, if all of the following apply: 359

(a) The licensee submits an application to the state fire 360
marshal and an application fee of one hundred dollars per 361
storage location for which the licensee is requesting approval. 362

(b) The identity of the holder of the license remains the 363
same at the storage location. 364

(c) The storage location has received a valid certificate 365
of zoning compliance as applicable and a valid certificate of 366
occupancy for each building or structure at the storage location 367
issued by the authority having jurisdiction to issue the 368
certificate for the storage location, and those certificates 369
permit the distribution and storage of fireworks regulated under 370
this chapter at the storage location and in the buildings or 371
structures. The storage location shall be in compliance with all 372

other applicable federal, state, and local laws and regulations. 373

(d) Every building or structure located upon the storage 374
location is separated from occupied residential and 375
nonresidential buildings or structures, railroads, highways, or 376
any other buildings or structures on the licensed premises in 377
accordance with the distances specified in the rules adopted by 378
the state fire marshal pursuant to section 3743.05 of the 379
Revised Code. 380

(e) Neither the licensee nor any person holding, owning, 381
or controlling a five per cent or greater beneficial or equity 382
interest in the licensee has been convicted of or pleaded guilty 383
to a felony under the laws of this state, any other state, or 384
the United States, after September 29, 2005. 385

(f) The state fire marshal approves the application for 386
expansion. 387

(2) The state fire marshal shall approve an application 388
for expansion requested under division (I) (1) of this section if 389
the state fire marshal receives the application fee and proof 390
that the requirements of divisions (I) (1) (b) to (e) of this 391
section are satisfied. The storage location shall be considered 392
part of the original licensed premises and shall use the same 393
distinct number assigned to the original licensed premises with 394
any additional designations as the state fire marshal deems 395
necessary in accordance with section 3743.03 of the Revised 396
Code. 397

(J) (1) A licensee who obtains approval for the use of a 398
storage location in accordance with division (I) of this section 399
shall use the storage location exclusively for the following 400
activities, in accordance with division (C) of this section: 401

(a) The packaging, assembling, or storing of fireworks, 402
which shall only occur in buildings or structures approved for 403
such hazardous uses by the building code official having 404
jurisdiction for the storage location or, for 1.4G fireworks, in 405
containers or trailers approved for such hazardous uses by the 406
state fire marshal if such containers or trailers are not 407
subject to regulation by the building code adopted in accordance 408
with Chapter 3781. of the Revised Code. All such storage shall 409
be in accordance with the rules adopted by the state fire 410
marshal under division (G) of section 3743.05 of the Revised 411
Code for the packaging, assembling, and storage of fireworks. 412

(b) Distributing fireworks to other parcels of real estate 413
located on the manufacturer's licensed premises, to licensed 414
wholesalers or other licensed manufacturers in this state or to 415
similarly licensed persons located in another state or country; 416

(c) Distributing fireworks to a licensed exhibitor of 417
fireworks pursuant to a properly issued permit in accordance 418
with section 3743.54 of the Revised Code. 419

(2) A licensed manufacturer shall not engage in any sales 420
activity, including the retail sale of fireworks otherwise 421
permitted under division (C) (2) or (C) (3) of this section, or 422
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 423
the storage location approved under this section. 424

(3) A storage location may not be relocated for a minimum 425
period of five years after the storage location is approved by 426
the state fire marshal in accordance with division (I) of this 427
section. 428

(K) The licensee shall prohibit public access to the 429
storage location. The state fire marshal shall adopt rules to 430

describe the acceptable measures a manufacturer shall use to 431
prohibit access to the storage site. 432

Sec. 3743.041. Notwithstanding the requirements, contained 433
in division (A) of section 3743.04 of the Revised Code, that the 434
state fire marshal only issue the license of a manufacturer of 435
fireworks on the first day of December and that the license is 436
effective for one year: 437

(A) An applicant who applies for licensure pursuant to 438
section 3743.021 of the Revised Code, and who meets the 439
requirements for licensure contained in section 3743.03 of the 440
Revised Code, shall be issued the license of a manufacturer of 441
fireworks at the end of the period described in division (A)(1) 442
of section 3743.75 of the Revised Code. 443

(B) A license issued pursuant to division (A) of this 444
section shall be effective as follows: 445

(1) If the end of the period described in division (A)(1) 446
of section 3743.75 of the Revised Code is in January, February, 447
March, April, or May, a license issued pursuant to division (A) 448
of this section shall be effective through the end of November 449
in the same calendar year. 450

(2) If the end of the period described in division (A)(1) 451
of section 3743.75 of the Revised Code is in June, July, August, 452
September, October, November, or December, a license issued 453
pursuant to division (A) of this section shall be effective 454
through the end of November in the subsequent calendar year. 455

Sec. 3743.08. (A) The state fire marshal may inspect the 456
premises of a fireworks plant, and the inventory, wholesale 457
sale, and retail sale records, of a licensed manufacturer of 458
fireworks during the manufacturer's period of licensure to 459

determine whether the manufacturer is in compliance with Chapter 3743. of the Revised Code and the rules adopted by the state fire marshal pursuant to section 3743.05 or 3743.22 of the Revised Code.

(B) If the state fire marshal determines during an inspection conducted pursuant to division (A) of this section that a manufacturer is not in compliance with Chapter 3743. of the Revised Code or the rules adopted by the state fire marshal pursuant to section 3743.05 or 3743.22 of the Revised Code, the state fire marshal may take one or more of the following actions, whichever the state fire marshal considers appropriate under the circumstances:

(1) Order, in writing, the manufacturer to eliminate, correct, or otherwise remedy the nonconformities within a specified period of time;

(2) Order, in writing, the manufacturer to immediately cease its operations, if a fire or explosion hazard exists that reasonably can be regarded as posing an imminent danger of death or serious physical harm to persons. The order shall be effective until the nonconformities are eliminated, corrected, or otherwise remedied or for a period of seventy-two hours from the time of issuance, whichever first occurs. During the seventy-two hour period, the state fire marshal may obtain from the court of common pleas of Franklin county or of the county in which the fireworks plant is located an injunction restraining the manufacturer from continuing its operations after the seventy-two hour period expires until the nonconformities are eliminated, corrected, or otherwise remedied.

(3) Revoke or deny renewal of the license of the manufacturer in accordance with Chapter 119. of the Revised

Code;	490
(4) Take action as authorized by section 3743.68 of the Revised Code.	491 492
(C) This section does not affect the authority conferred by Chapters 3781. and 3791. of the Revised Code to conduct inspections to determine conformity with those chapters or the rules adopted pursuant to them.	493 494 495 496
(D) If the license of a manufacturer of fireworks is revoked or renewal is denied pursuant to division (B) (3) of this section or section 3743.70 of the Revised Code, the manufacturer shall cease its operations immediately. The manufacturer may not reapply for licensure as a manufacturer of fireworks until two years expire from the date of revocation.	497 498 499 500 501 502
The <u>state</u> fire marshal shall remove from the list of licensed manufacturers the name of a manufacturer whose license has been revoked, and shall notify the law enforcement authorities for the political subdivision in which the manufacturer's fireworks plant is located, of the revocation or denial of renewal.	503 504 505 506 507 508
Sec. 3743.15. (A) Except as provided in division (C) of this section, any person who wishes to be a wholesaler of fireworks in this state shall submit to the fire marshal an application for licensure as a wholesaler of fireworks before the first day of October of each year. The application shall be submitted prior to commencement of business operations, shall be on a form prescribed by the fire marshal, shall contain all information requested by the fire marshal, and shall be accompanied by the license fee, fingerprints, and proof of insurance coverage described in division (B) of this section.	509 510 511 512 513 514 515 516 517 518

The fire marshal shall prescribe a form for applications 519
for licensure as a wholesaler of fireworks and make a copy of 520
the form available, upon request, to persons who seek that 521
licensure. 522

(B) An applicant for licensure as a wholesaler of 523
fireworks shall submit with the application all of the 524
following: 525

(1) A license fee of two thousand seven hundred fifty 526
dollars, which the fire marshal shall use to pay for fireworks 527
safety education, training programs, and inspections. If the 528
applicant has any storage locations approved in accordance with 529
division ~~(G)~~(F) of section 3743.17 of the Revised Code, the 530
applicant also shall submit a fee of one hundred dollars per 531
storage location for the inspection of each storage location. 532

(2) Proof of comprehensive general liability insurance 533
coverage, specifically including fire and smoke casualty on 534
premises, in an amount not less than one million dollars for 535
each occurrence for bodily injury liability and wrongful death 536
liability at its business location. Proof of such insurance 537
coverage shall be submitted together with proof of coverage for 538
products liability on all inventory located at the business 539
location. All applicants shall submit evidence of comprehensive 540
general liability insurance coverage verified by the insurer and 541
certified as to its provision of the minimum coverage required 542
under this division. 543

(3) One set of the applicant's fingerprints or similar 544
identifying information and a set of fingerprints or similar 545
identifying information of any individual holding, owning, or 546
controlling a five per cent or greater beneficial or equity 547
interest in the applicant for the license. The fire marshal may 548

adopt rules in accordance with Chapter 119. of the Revised Code 549
specifying the method to be used by the applicant to provide the 550
fingerprint or similar identifying information, fees to be 551
assessed by the fire marshal to conduct such background checks, 552
and the procedures to be used by the fire marshal to verify 553
compliance with this section. Such rules may include provisions 554
establishing the frequency that license renewal applicants must 555
update background check information filed by the applicant with 556
previous license applications and provisions describing 557
alternative forms of background check information that may be 558
accepted by the fire marshal to verify compliance with this 559
section. 560

(C) A licensed manufacturer of fireworks is not required 561
to apply for and obtain a wholesaler of fireworks license in 562
order to engage in the wholesale sale of fireworks as authorized 563
by division (C) (2) of section 3743.04 of the Revised Code. A 564
business which is not a licensed manufacturer of fireworks may 565
engage in the wholesale and retail sale of fireworks in the same 566
manner as a licensed manufacturer of fireworks is authorized to 567
do under this chapter without the necessity of applying for and 568
obtaining a license pursuant to this section, but only if the 569
business sells the fireworks on the premises of a fireworks 570
plant covered by a license issued under section 3743.03 of the 571
Revised Code and the holder of that license owns at least a 572
majority interest in that business. However, if a licensed 573
manufacturer of fireworks wishes to engage in the wholesale sale 574
of fireworks in this state at a location other than the premises 575
of the fireworks plant described in its application for 576
licensure as a manufacturer or in a notification submitted under 577
division (B) of section 3743.04 of the Revised Code, the 578
manufacturer shall first apply for and obtain a wholesaler of 579

fireworks license before engaging in wholesale sales of 580
fireworks at the other location. 581

(D) A separate application for licensure as a wholesaler 582
of fireworks shall be submitted for each location at which a 583
person wishes to engage in wholesale sales of fireworks. 584

Sec. 3743.151. Notwithstanding the deadline in division 585
(A) of section 3743.15 of the Revised Code, any person who 586
wishes to be a licensed wholesaler of fireworks in this state 587
beginning at the end of the period described in division (A)(1) 588
of section 3743.75 of the Revised Code, and who does not already 589
hold a license as a wholesaler of fireworks that will run 590
through that date, may submit an application for licensure, 591
pursuant to section 3743.15 of the Revised Code, not less than 592
two months before the expiration of the period described in 593
division (A)(1) of section 3743.75 of the Revised Code. 594

Sec. 3743.17. (A) The license of a wholesaler of fireworks 595
is effective for one year beginning on the first day of 596
December. ~~The~~, and the state fire marshal shall issue or renew a 597
license only on that date and at no other time. If a wholesaler 598
of fireworks wishes to continue engaging in the wholesale sale 599
of fireworks at the particular location after its then effective 600
license expires, it shall apply not later than the first day of 601
October for a new license pursuant to section 3743.15 of the 602
Revised Code. The state fire marshal shall send a written notice 603
of the expiration of its license to a licensed wholesaler at 604
least three months before the expiration date. 605

(B) If, during the effective period of its licensure, a 606
licensed wholesaler of fireworks wishes to perform any 607
construction, or make any structural change or renovation, on 608
the premises on which the fireworks are sold, or to relocate its 609

sales operations to a new licensed premises, the wholesaler 610
shall notify the state fire marshal in writing. The state fire 611
marshal may require a licensed wholesaler also to submit 612
documentation, including, but not limited to, plans covering the 613
proposed construction or structural change or renovation, or 614
proposed new licensed premises, if the state fire marshal 615
determines the documentation is necessary for evaluation 616
purposes in light of the proposed construction ~~or,~~ structural 617
change or renovation, or relocation. 618

Upon receipt of the notification and additional 619
documentation required by the state fire marshal, the state fire 620
marshal shall inspect the premises on which the fireworks are 621
sold, or the proposed new licensed premises, to determine if the 622
proposed construction ~~or,~~ structural change or renovation, or 623
relocation conforms to sections 3743.15 to 3743.21 of the 624
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 625
Revised Code, and the rules adopted by the state fire marshal 626
pursuant to section 3743.18 of the Revised Code. The state fire 627
marshal shall issue a written authorization to the wholesaler 628
for the construction ~~or,~~ structural change or renovation, or new 629
licensed premises if the state fire marshal determines, upon the 630
inspection and a review of submitted documentation, that the 631
construction ~~or,~~ structural change or renovation ~~conforms,~~ or 632
new licensed premises conform to those sections and rules. 633

(C) The license of a wholesaler of fireworks authorizes 634
the wholesaler to engage only in the following activities: 635

(1) Possess for sale at wholesale and sell at wholesale 636
fireworks to persons who are licensed wholesalers of fireworks, 637
to ~~out of state residents persons~~ in accordance with ~~section~~ 638
sections 3743.44 of the Revised Code, to residents of this state~~—~~ 639

~~in accordance with section 3743.45 to 3743.46~~ of the Revised 640
Code, or to persons located in another state provided the 641
fireworks are shipped directly out of this state to them by the 642
wholesaler. The possession for sale shall be at the location 643
described in the application for licensure or in the 644
notification submitted under division (B) of this section, and 645
the sale shall be from the inside of a licensed building and 646
from no structure or device outside a licensed building. At no 647
time shall a licensed wholesaler sell any class of fireworks 648
outside a licensed building. 649

(2) Possess for sale at retail and sell at retail 650
fireworks, other than 1.4G fireworks as designated by the state 651
fire marshal in rules adopted pursuant to division (A) of 652
section 3743.05 of the Revised Code, to licensed exhibitors in 653
accordance with sections 3743.50 to 3743.55 of the Revised Code, 654
and possess for sale at retail and sell at retail fireworks, 655
including 1.4G fireworks, to ~~out-of-state residents persons in~~ 656
accordance with ~~section sections~~ 3743.44 ~~of the Revised Code, to~~ 657
~~residents of this state in accordance with section 3743.45 to~~ 658
3743.46 of the Revised Code, or to persons located in another 659
state provided the fireworks are shipped directly out of this 660
state to them by the wholesaler. The possession for sale shall 661
be at the location described in the application for licensure or 662
in the notification submitted under division (B) of this 663
section, and the sale shall be from the inside of the licensed 664
building and from no other structure or device outside this 665
licensed building. At no time shall a licensed wholesaler sell 666
any class of fireworks outside a licensed building. 667

A licensed wholesaler of fireworks shall sell under 668
division (C) of this section only fireworks that meet the 669
standards set by the consumer product safety commission or by 670

the American fireworks standard laboratories or that have 671
received an EX number from the United States department of 672
transportation. 673

(D) The license of a wholesaler of fireworks shall be 674
protected under glass and posted in a conspicuous place at the 675
location described in the application for licensure or in the 676
notification submitted under division (B) of this section. 677
Except as otherwise provided in this section, the license is not 678
transferable or assignable to another person. A license may be 679
transferred to another person for the same location for which 680
the license was issued, or approved pursuant to division (B) of
this section, if the assets of the wholesaler are transferred to 681
that person by inheritance or by a sale approved by the state 682
fire marshal. The license is subject to revocation in accordance 683
with section 3743.21 of the Revised Code. 684
685

(E) The state fire marshal shall adopt rules for the 686
expansion or contraction of a licensed premises and for the 687
approval of an expansion or contraction. The boundaries of a 688
licensed premises, including any geographic expansion or 689
contraction of those boundaries, shall be approved by the state 690
fire marshal in accordance with rules the state fire marshal 691
adopts. If the licensed premises of a licensed wholesaler from 692
which the wholesaler operates consists of more than one parcel 693
of real estate, those parcels must be contiguous, unless an 694
exception is allowed pursuant to division ~~(G)~~ (F) of this 695
section. 696

~~(F) (1) Upon application by a licensed wholesaler of~~ 697
~~fireworks, a wholesaler license may be transferred from one~~ 698
~~geographic location to another within the same municipal~~ 699
~~corporation or within the unincorporated area of the same~~ 700

~~township, but only if all of the following apply:~~ 701

~~(a) The identity of the holder of the license remains the same in the new location.~~ 702
703

~~(b) The former location is closed prior to the opening of the new location and no fireworks business of any kind is conducted at the former location after the transfer of the license.~~ 704
705
706
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~~(c) The new location has received a local certificate of zoning compliance and a local certificate of occupancy, and otherwise is in compliance with all local building regulations.~~ 708
709
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~~(d) Every building or structure at the new location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures located on the licensed premises in accordance with the distances specified in the rules adopted by the fire marshal pursuant to section 3743.18 of the Revised Code. If the licensee fails to comply with the requirements of division (F) (1) (d) of this section by the licensee's own act, the license at the new location is forfeited.~~ 711
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~~(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States after June 30, 1997.~~ 720
721
722
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~~(f) The fire marshal approves the request for the transfer.~~ 725
726

~~(2) The new location shall comply with the requirements specified in divisions (C) (1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new~~ 727
728
729

~~location is constructed, expanded, or first begins operating on-~~ 730
~~and after June 30, 1997.~~ 731

~~(G)(1)~~ A licensed wholesaler may expand its licensed 732
premises within this state to include not more than two storage 733
locations that are located upon one or more real estate parcels 734
that are noncontiguous to the licensed premises as that licensed 735
premises exists on the date a licensee submits an application as 736
described below, if all of the following apply: 737

(a) The licensee submits an application to the state fire 738
marshal requesting the expansion and an application fee of one 739
hundred dollars per storage location for which the licensee is 740
requesting approval. 741

(b) The identity of the holder of the license remains the 742
same at the storage location. 743

(c) The storage location has received a valid certificate 744
of zoning compliance, as applicable, and a valid certificate of 745
occupancy for each building or structure at the storage location 746
issued by the authority having jurisdiction to issue the 747
certificate for the storage location, and those certificates 748
permit the distribution and storage of fireworks regulated under 749
this chapter at the storage location and in the buildings or 750
structures. The storage location shall be in compliance with all 751
other applicable federal, state, and local laws and regulations. 752

(d) Every building or structure located upon the storage 753
location is separated from occupied residential and 754
nonresidential buildings or structures, railroads, highways, and 755
any other buildings or structures on the licensed premises in 756
accordance with the distances specified in the rules adopted by 757
the state fire marshal pursuant to section 3743.18 of the 758

Revised Code. 759

(e) Neither the licensee nor any person holding, owning, 760
or controlling a five per cent or greater beneficial or equity 761
interest in the licensee has been convicted of or pleaded guilty 762
to a felony under the laws of this state, any other state, or 763
the United States, after September 29, 2005. 764

(f) The state fire marshal approves the application for 765
expansion. 766

(2) The state fire marshal shall approve an application 767
for expansion requested under division ~~(G)(1)~~ (F)(1) of this 768
section if the state fire marshal receives the application fee 769
and proof that the requirements of divisions ~~(G)(1)(b) to (e)~~ 770
(F)(1)(b) to (e) of this section are satisfied. The storage 771
location shall be considered part of the original licensed 772
premises and shall use the same distinct number assigned to the 773
original licensed premises with any additional designations as 774
the state fire marshal deems necessary in accordance with 775
section 3743.16 of the Revised Code. 776

~~(H)(1)~~ (G)(1) A licensee who obtains approval for use of a 777
storage location in accordance with division ~~(G)~~ (F) of this 778
section shall use the site exclusively for the following 779
activities, in accordance with division (C)(1) of this section: 780

(a) Packaging, assembling, or storing fireworks, which 781
shall occur only in buildings or structures approved for such 782
hazardous uses by the building code official having jurisdiction 783
for the storage location or, for 1.4G fireworks, in containers 784
or trailers approved for such hazardous uses by the state fire 785
marshal if such containers or trailers are not subject to 786
regulation by the building code adopted in accordance with 787

Chapter 3781. of the Revised Code. All such storage shall be in 788
accordance with the rules adopted by the state fire marshal 789
under division (B) (4) of section 3743.18 of the Revised Code for 790
the packaging, assembling, and storage of fireworks. 791

(b) Distributing fireworks to other parcels of real estate 792
located on the wholesaler's licensed premises, to licensed 793
manufacturers or other licensed wholesalers in this state or to 794
similarly licensed persons located in another state or country; 795

(c) Distributing fireworks to a licensed exhibitor of 796
fireworks pursuant to a properly issued permit in accordance 797
with section 3743.54 of the Revised Code. 798

(2) A licensed wholesaler shall not engage in any sales 799
activity, including the retail sale of fireworks otherwise 800
permitted under division (C) (2) of this section or pursuant to 801
section 3743.44 or 3743.45 of the Revised Code, at a storage 802
location approved under this section. 803

(3) A storage location may not be relocated for a minimum 804
period of five years after the storage location is approved by 805
the state fire marshal in accordance with division ~~(G)~~ (F) of 806
this section. 807

~~(I)~~ (H) A licensee shall prohibit public access to all 808
storage locations it uses. The state fire marshal shall adopt 809
rules establishing acceptable measures a wholesaler shall use to 810
prohibit access to storage sites. 811

~~(J)~~ (I) The state fire marshal shall not place the license 812
of a wholesaler of fireworks in temporarily inactive status 813
while the holder of the license is attempting to qualify to 814
retain the license. 815

~~(K)~~ (J) Each licensed wholesaler of fireworks or a 816

designee of the wholesaler, whose identity is provided to the 817
state fire marshal by the wholesaler, annually shall attend a 818
continuing education program. The state fire marshal shall 819
develop the program and the state fire marshal or a person or 820
public agency approved by the state fire marshal shall conduct 821
it. A licensed wholesaler or the wholesaler's designee who 822
attends a program as required under this division, within one 823
year after attending the program, shall conduct in-service 824
training as approved by the state fire marshal for other 825
employees of the licensed wholesaler regarding the information 826
obtained in the program. A licensed wholesaler shall provide the 827
state fire marshal with notice of the date, time, and place of 828
all in-service training. For any program conducted under this 829
division, the state fire marshal shall, in accordance with rules 830
adopted by the state fire marshal under Chapter 119. of the 831
Revised Code, establish the subjects to be taught, the length of 832
classes, the standards for approval, and time periods for 833
notification by the licensee to the state fire marshal of any 834
in-service training. 835

~~(L)~~ (K) A licensed wholesaler shall maintain comprehensive 836
general liability insurance coverage in the amount and type 837
specified under division (B) (2) of section 3743.15 of the 838
Revised Code at all times. Each policy of insurance required 839
under this division shall contain a provision requiring the 840
insurer to give not less than fifteen days' prior written notice 841
to the state fire marshal before termination, lapse, or 842
cancellation of the policy, or any change in the policy that 843
reduces the coverage below the minimum required under this 844
division. Prior to canceling or reducing the amount of coverage 845
of any comprehensive general liability insurance coverage 846
required under this division, a licensed wholesaler shall secure 847

supplemental insurance in an amount and type that satisfies the 848
requirements of this division so that no lapse in coverage 849
occurs at any time. A licensed wholesaler who secures 850
supplemental insurance shall file evidence of the supplemental 851
insurance with the state fire marshal prior to canceling or 852
reducing the amount of coverage of any comprehensive general 853
liability insurance coverage required under this division. 854

Sec. 3743.171. Notwithstanding the requirements, contained 855
in division (A) of section 3743.17 of the Revised Code, that the 856
state fire marshal only issue the license of a wholesaler of 857
fireworks on the first day of December and that the license is 858
effective for one year: 859

(A) An applicant who applies pursuant to section 3743.151 860
of the Revised Code, and who meets the requirements for 861
licensure contained in section 3743.16 of the Revised Code, 862
shall be issued the license of a wholesaler of fireworks at the 863
end of the period described in division (A)(1) of section 864
3743.75 of the Revised Code. 865

(B) A license issued pursuant to division (A) of this 866
section shall be effective as follows: 867

(1) If the end of the period described in division (A)(1) 868
of section 3743.75 of the Revised Code is in January, February, 869
March, April, or May, a license issued pursuant to division (A) 870
of this section shall be effective through the end of November 871
in the same calendar year. 872

(2) If the end of the period described in division (A)(1) 873
of section 3743.75 of the Revised Code is in June, July, August, 874
September, October, November, or December, a license issued 875
pursuant to division (A) of this section shall be effective 876

through the end of November in the subsequent calendar year. 877

Sec. 3743.21. (A) The state fire marshal may inspect the 878
premises, and the inventory, wholesale sale, and retail sale 879
records, of a licensed wholesaler of fireworks during the 880
wholesaler's period of licensure to determine whether the 881
wholesaler is in compliance with Chapter 3743. of the Revised 882
Code and the rules adopted by the state fire marshal pursuant to 883
section 3743.18 or 3743.22 of the Revised Code. 884

(B) If the state fire marshal determines during an 885
inspection conducted pursuant to division (A) of this section 886
that a wholesaler is not in compliance with Chapter 3743. of the 887
Revised Code or the rules adopted by the state fire marshal 888
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 889
state fire marshal may take one or more of the following 890
actions, whichever the state fire marshal considers appropriate 891
under the circumstances: 892

(1) Order, in writing, the wholesaler to eliminate, 893
correct, or otherwise remedy the nonconformities within a 894
specified period of time; 895

(2) Order, in writing, the wholesaler to immediately cease 896
its operations, if a fire or explosion hazard exists that 897
reasonably can be regarded as posing an imminent danger of death 898
or serious physical harm to persons. The order shall be 899
effective until the nonconformities are eliminated, corrected, 900
or otherwise remedied or for a period of seventy-two hours from 901
the time of issuance, whichever first occurs. During the 902
seventy-two hour period, the state fire marshal may obtain from 903
the court of common pleas of Franklin county or of the county in 904
which the premises of the wholesaler are located an injunction 905
restraining the wholesaler from continuing its operations after 906

the seventy-two hour period expires until the nonconformities 907
are eliminated, corrected, or otherwise remedied. 908

(3) Revoke, or deny renewal of, the license of the 909
wholesaler in accordance with Chapter 119. of the Revised Code; 910

(4) Take action as authorized by section 3743.68 of the 911
Revised Code. 912

(C) This section does not affect the authority conferred 913
by Chapters 3781. and 3791. of the Revised Code to conduct 914
inspections to determine conformity with those chapters or the 915
rules adopted pursuant to them. 916

(D) If the license of a wholesaler of fireworks is revoked 917
or renewal is denied pursuant to division (B) (3) of this section 918
or section 3743.70 of the Revised Code, the wholesaler shall 919
cease its operations immediately. The wholesaler may not reapply 920
for licensure as a wholesaler of fireworks until two years 921
expire from the date of revocation. 922

The state fire marshal shall remove from the list of 923
licensed wholesalers the name of a wholesaler whose license has 924
been revoked, and shall notify the law enforcement authorities 925
for the political subdivision in which the wholesaler's premises 926
are located, of the revocation or denial of renewal. 927

Sec. 3743.22. (A) As used in this section: 928

(1) "Fee period" means the period beginning on the first 929
day of October and ending on the thirtieth day of the following 930
September. 931

(2) "Gross receipts" excludes the amount of taxes a 932
licensed retailer, licensed manufacturer, or licensed wholesaler 933
collects from a consumer under Chapter 5739. of the Revised Code 934

on behalf of the state or a political subdivision. 935

(B) For the purpose of providing revenue to fund 936
firefighter training programs and the enforcement and regulation 937
of the fireworks industry, a fee is imposed on licensed 938
retailers, licensed manufacturers, and licensed wholesalers 939
selling 1.4G fireworks in this state. The fee shall equal four 940
per cent of the gross receipts of a licensed manufacturer or 941
licensed wholesaler from retail sales of 1.4G fireworks in this 942
state made one hundred or more days after the effective date of 943
this section. For the purpose of this section, a retail sale of 944
1.4G fireworks is made in this state only if the purchaser 945
intends to use the fireworks, and not resell them, and receives 946
the 1.4G fireworks at a location in this state. 947

The fee shall be reported, on a form prescribed by the 948
state fire marshal, and remitted to the state fire marshal on or 949
before the twenty-third day after the last day of each fee 950
period. The amount of the fee due shall be computed on the basis 951
of gross receipts from retail sales made in each fee period. A 952
licensed retailer, licensed manufacturer, or licensed wholesaler 953
whose license is issued, canceled or revoked, or not renewed 954
after expiration during a fee period shall report and remit the 955
fee based on sales of 1.4G fireworks made in that fee period as 956
required under this section. A licensed retailer, licensed 957
manufacturer, or licensed wholesaler may separately or 958
proportionately bill or invoice a fee imposed under this section 959
to another person. 960

(C) All money collected under this section shall be 961
credited to the fireworks fee receipts fund, which is hereby 962
created in the state treasury. Seven-eighths of the money in the 963
fund shall be used by the state fire marshal solely to fund 964

firefighter training programs. Remaining money in the fund shall 965
be used solely to pay expenses of the state fire marshal in 966
performing the duties prescribed by this chapter. 967

(D) If the state fire marshal determines that a licensed 968
retailer, licensed manufacturer, or licensed wholesaler fails to 969
timely report and remit the full amount of the fee as required 970
by this section, the state fire marshal may do either of the 971
following: 972

(1) Order, in writing, the retailer, wholesaler, or 973
manufacturer to report and remit to the state fire marshal, 974
within a specified period of time, any such underpayment; 975

(2) Revoke or deny renewal of the license of the retailer, 976
manufacturer, or wholesaler, which shall subject a manufacturer 977
or wholesaler to the consequences prescribed in division (D) of 978
section 3743.08 of the Revised Code or division (D) of section 979
3743.21 of the Revised Code. 980

(E) The state fire marshal may adopt rules in accordance 981
with Chapter 119. of the Revised Code as necessary to administer 982
and enforce the fee imposed under this section. 983

Sec. 3743.25. (A) (1) Except as described in division (A) 984
(2) of this section, all retail sales of 1.4G fireworks by a 985
licensed manufacturer or wholesaler shall only occur from an 986
approved retail sales showroom on a licensed premises or from a 987
representative sample showroom as described in this section on a 988
licensed premises. For the purposes of this section, a retail 989
sale includes the transfer of the possession of the 1.4G 990
fireworks from the licensed manufacturer or wholesaler to the 991
purchaser of the fireworks. 992

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 993

properly permitted exhibition shall occur in accordance with the 994
provisions of the Revised Code and rules adopted by the state 995
fire marshal under Chapter 119. of the Revised Code. Such rules 996
shall specify, at a minimum, that the licensed exhibitor holds a 997
license under section 3743.51 of the Revised Code, that the 998
exhibitor possesses a valid exhibition permit issued in 999
accordance with section 3743.54 of the Revised Code, and that 1000
the fireworks shipped are to be used at the specifically 1001
permitted exhibition. 1002

(B) All wholesale sales of fireworks by a licensed 1003
manufacturer or wholesaler shall only occur from a licensed 1004
premises to persons who intend to resell the fireworks purchased 1005
at wholesale. A wholesale sale by a licensed manufacturer or 1006
wholesaler may occur as follows: 1007

(1) The direct sale and shipment of fireworks to a person 1008
outside of this state; 1009

(2) From an approved retail sales showroom as described in 1010
this section; 1011

(3) From a representative sample showroom as described in 1012
this section; 1013

(4) By delivery of wholesale fireworks to a purchaser at a 1014
licensed premises outside of a structure or building on that 1015
premises. All other portions of the wholesale sales transaction 1016
may occur at any location on a licensed premises. 1017

(5) Any other method as described in rules adopted by the 1018
state fire marshal under Chapter 119. of the Revised Code. 1019

(C) A licensed manufacturer or wholesaler shall only sell 1020
1.4G fireworks from a representative sample showroom or a retail 1021
sales showroom. Each licensed premises shall only contain one 1022

sales structure. 1023

A representative sample showroom shall consist of a 1024
structure constructed and maintained in accordance with the 1025
nonresidential building code adopted under Chapter 3781. of the 1026
Revised Code and the fire code adopted under section 3737.82 of 1027
the Revised Code for a use and occupancy group that permits 1028
mercantile sales. A representative sample showroom shall not 1029
contain any pyrotechnics, pyrotechnic materials, fireworks, 1030
explosives, explosive materials, or any similar hazardous 1031
materials or substances. A representative sample showroom shall 1032
be used only for the public viewing of fireworks product 1033
representations, including paper materials, packaging materials, 1034
catalogs, photographs, or other similar product depictions. The 1035
delivery of product to a purchaser of fireworks at a licensed 1036
premises that has a representative sample structure shall not 1037
occur inside any structure on a licensed premises. Such product 1038
delivery shall occur on the licensed premises in a manner 1039
prescribed by rules adopted by the state fire marshal pursuant 1040
to Chapter 119. of the Revised Code. 1041

If a manufacturer or wholesaler elects to conduct sales 1042
from a retail sales showroom, the showroom structures, to which 1043
the public may have any access and in which employees are 1044
required to work, on all licensed premises, shall comply with 1045
the following safety requirements: 1046

(1) A fireworks showroom that is constructed or upon which 1047
expansion is undertaken on and after June 30, 1997, shall be 1048
equipped with interlinked fire detection, fire suppression, 1049
smoke exhaust, and smoke evacuation systems that are approved by 1050
the superintendent of industrial compliance in the department of 1051
commerce. 1052

(2) A fireworks showroom that first begins to operate on 1053
or after June 30, 1997, and to which the public has access for 1054
retail purposes shall not exceed ~~five~~ten thousand square feet 1055
in floor area. 1056

(3) A newly constructed or an existing fireworks showroom 1057
structure that exists on September 23, 2008, but that, on or 1058
after September 23, 2008, is altered or added to in a manner 1059
requiring the submission of plans, drawings, specifications, or 1060
data pursuant to section 3791.04 of the Revised Code, shall 1061
comply with a graphic floor plan layout that is approved by the 1062
state fire marshal and superintendent showing width of aisles, 1063
parallel arrangement of aisles to exits, number of exits per 1064
wall, maximum occupancy load, evacuation plan for occupants, 1065
height of storage or display of merchandise, and other 1066
information as may be required by the state fire marshal and 1067
superintendent. 1068

(4) A fireworks showroom structure that exists on June 30, 1069
1997, shall be in compliance on or after June 30, 1997, with 1070
floor plans showing occupancy load limits and internal 1071
circulation and egress patterns that are approved by the state 1072
fire marshal and superintendent, and that are submitted under 1073
seal as required by section 3791.04 of the Revised Code. 1074

(D) The safety requirements established in division (C) of 1075
this section are not subject to any variance, waiver, or 1076
exclusion pursuant to this chapter or any applicable building 1077
code. 1078

Sec. 3743.26. (A) (1) Except as provided in divisions (C) 1079
and (D) of this section, in a given year, any person who wishes 1080
to be a licensed fountain device retailer in this state shall 1081
submit an application for licensure to the state fire marshal 1082

before the first day of October. The application shall be on a 1083
form prescribed by the state fire marshal. 1084

The state fire marshal shall prescribe a form for 1085
applications to become a licensed retailer and make a copy of 1086
the form available, upon request, to persons who seek a license. 1087

(2) An applicant for licensure as a fountain device 1088
retailer shall submit all of the following with the application: 1089

(a) A license fee in an amount set by the state fire 1090
marshal, not to exceed twenty-five dollars; 1091

(b) An affidavit affirming that the applicant is in 1092
compliance with the national fire protection association 1093
standard "NFPA 1124, Code for the Manufacture, Transportation, 1094
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 1095
(2006 Edition)," or will be in compliance before engaging in the 1096
storage or retail sale of fountain devices; 1097

(c) Proof of insurance in an amount and of a type 1098
specified by the state fire marshal in rules adopted pursuant to 1099
section 3743.28 of the Revised Code. 1100

(3) A separate application for licensure as a fountain 1101
device retailer shall be submitted for each location at which a 1102
person wishes to engage in the retail sale of fountain devices. 1103

(B)(1) If a person submits a timely application to become 1104
a licensed fountain device retailer, together with the materials 1105
required by division (A)(2) of this section, the state fire 1106
marshal shall review the application and accompanying materials 1107
and determine if they comply with this section. If the state 1108
fire marshal concludes that the application and accompanying 1109
matter comply with this section, the state fire marshal shall, 1110
on the first day of December and, except as provided in 1111

divisions (C) and (D) of this section, at no other time, issue 1112
the applicant a license to sell fountain devices at retail. 1113

(2) Except as provided in divisions (C) and (D) of this 1114
section, a licensed retailer's license is effective for one year 1115
beginning on the first day of December. If a licensed retailer 1116
wishes to continue engaging in the retail sale of fountain 1117
devices at the particular location after the then effective 1118
license expires, the licensee shall apply before the first day 1119
of October for a new license pursuant to this section. The state 1120
fire marshal shall send a written notice of the expiration of a 1121
license to a licensed retailer not later than the first day of 1122
September. 1123

(C) (1) Any person who wishes to be a licensed retailer of 1124
fountain devices in this state who was not yet open for 1125
business, at the location the person seeks to be licensed, 1126
before the first day of the preceding October may submit an 1127
application pursuant to divisions (A) (2) and (3) of this section 1128
at any time after the person opens for business but before the 1129
first day of the following October. 1130

(2) If the state fire marshal determines that an 1131
application submitted pursuant to division (C) (1) of this 1132
section meets the requirements of this section, the state fire 1133
marshal shall issue the applicant a license as follows: 1134

(a) If the application was submitted between the first day 1135
of October and the last day of November, not earlier than the 1136
first day of December but not later than two months after 1137
receiving the application; 1138

(b) If division (D) (2) (a) of this section does not apply, 1139
not later than two months after receiving the application. 1140

(3) A license issued pursuant to division (C) (2) of this 1141
section is effective through the last day of the following 1142
November. 1143

(D) (1) Any person who wishes to be a licensed retailer of 1144
fountain devices in this state beginning two hundred sixty days 1145
after the effective date of this section, shall submit an 1146
application pursuant to divisions (A) (2) and (3) of this section 1147
not later than one hundred ninety days after the effective date 1148
of this section. 1149

(2) The state fire marshal shall issue a license two 1150
hundred sixty days after the effective date of this section, to 1151
any person who submits an application pursuant to division (D) 1152
(1) of this section if the state fire marshal determines that 1153
the application meets the requirements of this section. A 1154
license issued pursuant to this division is effective as 1155
follows: 1156

(a) If the two hundred sixtieth day after the effective 1157
date of this section is in January, February, March, April, or 1158
May, a license issued pursuant to division (D) (2) of this 1159
section shall be effective through the end of November in the 1160
same calendar year. 1161

(b) If the two hundred sixtieth day after the effective 1162
date of this section is in June, July, August, September, 1163
October, November, or December, a license issued pursuant to 1164
division (D) (2) of this section shall be effective through the 1165
end of November in the subsequent calendar year. 1166

Sec. 3743.27. (A) A licensed fountain device retailer is 1167
authorized to possess fountain devices and sell fountain devices 1168
at retail pursuant to this section: 1169

(1) A licensed retailer's possession and storage of fountain devices shall comply with the national fire protection association standard "NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)." 1170
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(2) A licensed retailer's possession, storage, and sale of fountain devices shall comply with the state fire marshal's rules adopted pursuant to section 3743.28 of the Revised Code. 1175
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(3) No licensed retailer shall sell fountain devices to a person who is under eighteen years of age. 1178
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(4) A licensed fountain device retailer shall comply with divisions (A) and (B) of section 3743.47 of the Revised Code. 1180
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(5) A licensed fountain device retailer shall possess and sell fountain devices only at the location described in the application for licensure and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed retailer sell fountain devices outside of a licensed building. 1182
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(B) No licensed fountain device retailer shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by division (A) of section 3743.47 of the Revised Code. 1188
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(C) No licensed fountain device retailer shall negligently fail to have safety glasses available for sale as required by division (B) of section 3743.47 of the Revised Code. 1192
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Sec. 3743.28. (A) The state fire marshal shall adopt rules pursuant to Chapter 119. of the Revised Code governing the storage of fireworks by and the business operations of licensed fountain device retailers. The rules shall be designed to 1195
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promote the safety and security of employees of retailers, 1199
members of the public, and the premises upon which fireworks are 1200
sold. 1201

The state fire marshal shall file the rules required by 1202
this division with the joint committee on agency rule review 1203
pursuant to division (C) of section 119.03 of the Revised Code 1204
not later than one hundred eighty days after the effective date 1205
of this section. 1206

(B) The rules shall be consistent with sections 3743.26 to 1207
3743.29 of the Revised Code and the national fire protection 1208
association standard "NFPA 1124, Code for the Manufacture, 1209
Transportation, Storage, and Retail Sales of Fireworks and 1210
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1211
be limited to, the following subject matters: 1212

(1) Cleanliness and orderliness in, the heating, lighting, 1213
and use of stoves and flame-producing items in, smoking in, the 1214
prevention of fire and explosion in, the availability of fire 1215
extinguishers or other fire-fighting equipment and their use in, 1216
and emergency procedures relative to the buildings and other 1217
structures on a retailer's premises; 1218

(2) The manner in which fountain devices are to be stored; 1219

(3) Insurance to be maintained by licensed fountain device 1220
retailers. 1221

Sec. 3743.29. (A) The state fire marshal may inspect the 1222
premises, the inventory, and retail sale records, of a licensed 1223
fountain device retailer during the retailer's period of 1224
licensure to determine whether the retailer is in compliance 1225
with Chapter 3743. of the Revised Code and the rules adopted by 1226
the state fire marshal pursuant to section 3743.28 of the 1227

Revised Code. 1228

(B) If the state fire marshal determines during an 1229
inspection conducted pursuant to division (A) of this section 1230
that a wholesaler is not in compliance with Chapter 3743. of the 1231
Revised Code or the rules adopted by the state fire marshal 1232
pursuant to section 3743.28 of the Revised Code, the state fire 1233
marshal may take one or more of the following actions, whichever 1234
the state fire marshal considers appropriate under the 1235
circumstances: 1236

(1) Order, in writing, the retailer to eliminate, correct, 1237
or otherwise remedy the nonconformities within a specified 1238
period of time; 1239

(2) Order, in writing, the wholesaler to immediately cease 1240
the storage and related sale of fountains. 1241

(3) Revoke, or deny renewal of, the license of the 1242
retailers in accordance with Chapter 119. of the Revised Code. 1243

(C) This section does not affect the authority conferred 1244
by Chapters 3781. and 3791. of the Revised Code to conduct 1245
inspections to determine conformity with those chapters or the 1246
rules adopted pursuant to them. 1247

The state fire marshal shall remove from the list of 1248
licensed retailers the name of a retailer whose license has been 1249
revoked, and shall notify the law enforcement authorities for 1250
the political subdivision in which the retailer's premises are 1251
located, of the revocation or denial of renewal. 1252

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1253
~~and who~~ intends to obtain possession in this state of 1.3G 1254
fireworks purchased in this state shall obtain possession of the 1255
1.3G fireworks only from a licensed manufacturer or licensed 1256

~~wholesaler and only possess the fireworks in this state while in the course of directly transporting them out of this state.~~ 1257
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No licensed manufacturer or licensed wholesaler shall sell 1259
1.3G fireworks to a person ~~who resides in another state unless~~ 1260
that person has been issued a license or permit in the state of 1261
the person's residence that authorizes the person to engage in 1262
the manufacture, wholesale sale, or retail sale of 1.3G 1263
fireworks or that authorizes the person to conduct 1.3G 1264
fireworks exhibitions in that state and that person presents a 1265
certified copy of the license. 1266

~~No licensed manufacturer or licensed wholesaler shall sell fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the person to engage in the manufacture, wholesale sale, or retail sale of fireworks in that state or that authorizes the person to conduct fireworks exhibitions in that state and that person presents a certified copy of the license, or, if that person does not possess a license or permit of that nature, only if the person presents a current valid motor vehicle operator's license issued to the person in the person's state of residence, or, if that person does not possess a motor vehicle operator's license issued in that state, an identification card issued to the person by a governmental agency in the person's state of residence indicating that the person is a resident of that state. If a person who is required to present a motor vehicle operator's license or other identification card intends to transport the fireworks purchased directly out of this state by a motor vehicle and the person will not also be the operator of that motor vehicle while so transporting the fireworks, the operator of the motor vehicle also shall present the operator's motor~~ 1267
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~~vehicle operator's license.~~ 1288

~~(B) Each purchaser of fireworks under this section shall
transport the fireworks so purchased directly out of this state
within forty-eight hours after the time of their purchase.~~ 1289
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~~This section regulates wholesale sales and retail sales of
fireworks in this state only insofar as purchasers of fireworks
are residents of other states and will be obtaining possession
in this state of purchased fireworks. This section does not
prohibit licensed manufacturers or wholesalers from selling
fireworks, in accordance with section 3743.04 or sections
3743.17 and 3743.25 of the Revised Code, to a resident of
another state and from shipping the purchased fireworks directly
out of this state to the purchaser.~~ 1292
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Sec. 3743.45. ~~(A) Any person who resides in this state and
who intends to obtain possession in this state of 1.4G fireworks
purchased in this state shall obtain possession of the 1.4G
fireworks only from a licensed retailer, licensed manufacturer,
or licensed wholesaler and shall be subject to this section.~~ 1301
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~~Each purchaser of 1.4G fireworks under this division shall
transport the fireworks so purchased directly out of this state
within forty-eight hours after the time of their purchase.~~ 1306
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~~This division does not apply to a person who resides in
this state and who is also a licensed manufacturer, licensed
wholesaler, or licensed exhibitor of fireworks in this state.~~ 1309
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~~(B) No licensed manufacturer or licensed wholesaler shall
sell 1.3G fireworks to a person who resides in this state unless
that person is a licensed manufacturer, licensed wholesaler, or
licensed exhibitor of fireworks in this state. Any person
authorized under this section to possess 1.4G fireworks in this~~ 1312
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state may discharge, ignite, or explode those fireworks in 1317
either of the following locations in this state: 1318

(1) On the property of the person; 1319

(2) On the property of another who has given permission to 1320
the person. 1321

(C) Fireworks discharged, ignited, or exploded pursuant to 1322
this section shall not be considered a public exhibition. 1323

(D) A county, with respect to the unincorporated territory 1324
of the county, a township, with respect to the unincorporated 1325
territory of the township, or a municipal corporation may do 1326
either of the following: 1327

(1) Restrict the dates and times a person may discharge, 1328
ignite, or explode fireworks purchased pursuant to this section. 1329

(2) Ban the discharge, ignition, or explosion of fireworks 1330
purchased pursuant to this section. A resolution adopted by a 1331
board of township trustees under this division prevails over a 1332
conflicting resolution adopted under this division by the board 1333
of county commissioners in the county within which the township 1334
is located. 1335

(E) This section does not limit the enforcement of any 1336
ordinance, resolution, or statute that regulates noise, 1337
disturbance of the peace, or disorderly conduct. 1338

Sec. 3743.451. (A) (1) The state fire marshal shall adopt 1339
rules in accordance with Chapter 119. of the Revised Code 1340
regulating the time, manner, and location of 1.4G fireworks 1341
discharged, ignited, or exploded under section 3743.45 of the 1342
Revised Code. The rules may include provisions requiring that 1343
all fireworks be used only in accordance with manufacturer's 1344

instructions and provisions for all of the following: 1345

(a) The use of aerial fireworks; 1346

(b) Separation distances between the location of fireworks discharges, ignitions, or explosions and adjacent structures, roadways, railroads, airports, publicly owned or controlled places, and places where hazardous materials are manufactured, used, or stored; 1347
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(c) Fireworks usage at common areas of multitenant properties; 1352
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(d) The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions; 1354
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(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age; 1356
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(f) Any other matters similar to those listed in division (A)(1) of this section. 1358
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(2) The state fire marshal shall file the rules required by this division with the joint committee on agency rule review pursuant to division (C) of section 119.03 of the Revised Code not later than one hundred eighty days after the effective date of this section. 1360
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(B)(1) Nothing in division (A) of this section shall be construed to limit the authority of a county, township, or municipal corporation under division (D) of section 3743.45 of the Revised Code to restrict the dates and times or ban the discharge, ignition, or explosion of fireworks purchased under section 3743.45 of the Revised Code. 1365
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(2) Rules adopted pursuant to this section shall permit consumers, who are at least eighteen years of age, to safely and 1371
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responsibly use 1.4G fireworks on their own private property, or 1373
any private property to which they have express consent from the 1374
property owner. 1375

(3) Rules adopted pursuant to this section shall not be 1376
constructed as a de facto ban on the consumer discharge of 1377
fireworks. It is the intent of the general assembly to allow 1378
consumers to discharge 1.4G fireworks in a safe and reasonable 1379
manner. 1380

Sec. 3743.46. (A) Except as otherwise provided in section 1381
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1382
or licensed wholesaler shall sell fireworks to a person who 1383
resides in another state unless one of the following applies: 1384

(1) The person has been issued a license or permit in the 1385
state of the person's residence that authorizes the person to 1386
engage in the manufacture, wholesale sale, or retail sale of 1387
fireworks in that state or that authorizes the person to conduct 1388
fireworks exhibitions in that state and that person presents a 1389
certified copy of the license. 1390

(2) If the person does not possess a license or permit 1391
described in division (A)(1) of this section, the person 1392
presents a current, valid motor vehicle operator's license 1393
issued to the person in the person's state of residence. 1394

(3) If the person does not possess a license or permit 1395
issued in that state as described in division (A)(1) or (2) of 1396
this section, the person presents an identification card issued 1397
to the person by a governmental agency in the person's state of 1398
residence indicating that the person is a resident of that 1399
state. 1400

(B) If a person who is required to present a motor vehicle 1401

operator's license or other identification card intends to 1402
transport the fireworks purchased directly out of this state by 1403
a motor vehicle and the person will not also be the operator of 1404
that motor vehicle while so transporting the fireworks, the 1405
operator of the motor vehicle also shall present the operator's 1406
motor vehicle operator's license. 1407

Sec. 3743.47. (A) A licensed retailer, licensed 1408
manufacturer, or licensed wholesaler shall furnish a copy of a 1409
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1410
to any safety information the licensed retailer, licensed 1411
wholesaler, or licensed manufacturer wishes to include, the 1412
pamphlet shall include all of the following statements, or 1413
substantially similar statements: 1414

"Do not allow children to play with fireworks. Sparklers, 1415
a firework often considered by many to be the ideal "safe" 1416
device for children, burn at very high temperatures and should 1417
not be handled by children. Children may not understand the 1418
danger involved with fireworks and may not act appropriately 1419
while using the devices or in case of emergency. 1420

Set off fireworks outdoors in a clear area, away from 1421
houses, dry leaves, or grass and other flammable materials. 1422

Keep a bucket of water nearby for emergencies and for 1423
pouring on fireworks that fail to ignite or explode. 1424

Do not try to relight or handle malfunctioning fireworks. 1425
Soak them with water and throw them away. 1426

Be sure other people are out of range before lighting 1427
fireworks. 1428

Never light fireworks in a container, especially a glass 1429
or metal container. 1430

<u>Keep unused fireworks away from firing areas.</u>	1431
<u>Store fireworks in a cool, dry place.</u>	1432
<u>Check instructions for special storage directions.</u>	1433
<u>Observe state and local law.</u>	1434
<u>Never have any portion of your body directly over a firework while lighting.</u>	1435 1436
<u>Do not experiment with homemade fireworks."</u>	1437
<u>(B) A licensed retailer, licensed manufacturer, or licensed wholesaler selling 1.4G fireworks shall have safety glasses available for a nominal charge or free at the site of the 1.4G fireworks purchase.</u>	1438 1439 1440 1441
<u>(C) Divisions (A) and (B) of this section do not apply when a purchaser is a licensed retailer, licensed manufacturer, licensed wholesaler, or licensed exhibitor of fireworks in this state.</u>	1442 1443 1444 1445
Sec. 3743.57. (A) All fees collected by the <u>state fire marshal for licenses or permits issued pursuant to this chapter,</u> <u>except the fee imposed under section 3743.22 of the Revised Code,</u> shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund.	1446 1447 1448 1449 1450 1451
(B) The <u>state fire</u> marshal shall in the <u>state fire</u> marshal's discretion use amounts in the state fire marshal's fund for fireworks training and education purposes, including, but not limited to, the creation of educational and training programs, attendance by the <u>state fire</u> marshal and the <u>state</u> fire marshal's employees at conferences and seminars, the payment of travel and meal expenses associated with such	1452 1453 1454 1455 1456 1457 1458

attendance, participation by the state fire marshal and the 1459
state fire marshal's employees in committee meetings and other 1460
meetings related to pyrotechnic codes, and the payment of travel 1461
and meal expenses associated with such participation. The use of 1462
the fund shall comply with rules of the department of commerce, 1463
policies and procedures established by the director of budget 1464
and management, and all other applicable laws. 1465

Sec. 3743.59. (A) Upon application by an affected party, 1466
the state fire marshal may grant variances from the requirements 1467
of this chapter or from the requirements of rules adopted 1468
pursuant to this chapter if the state fire marshal determines 1469
that a literal enforcement of the requirement will result in 1470
practical difficulty in complying with the requirements of this 1471
chapter or the rules adopted pursuant to this chapter and that 1472
the variance will not be contrary to the public health, safety, 1473
or welfare. A variance shall not be granted to a person who is 1474
initially licensed as a manufacturer or wholesaler of fireworks 1475
after June 14, 1988. 1476

(B) The state fire marshal may authorize a variance from 1477
the prohibitions in this chapter against the possession and use 1478
of pyrotechnic compounds to a person who submits proof that the 1479
person is certified and in good standing with the Ohio state 1480
board of education, provided that the pyrotechnic compounds are 1481
used for educational purposes only, or are used only at an 1482
authorized educational function approved by the governing board 1483
that exercises authority over the educational function. 1484

(C) (1) The state fire marshal may authorize a variance 1485
from the prohibitions in this chapter against the possession and 1486
use of pyrotechnic compounds to a person who possesses and uses 1487
the pyrotechnic compounds for personal and noncommercial 1488

purposes as a hobby. ~~The~~ 1489

(2) The state fire marshal shall not unreasonably withhold 1490
a variance that the state fire marshal may authorize pursuant to 1491
division (C) (1) of this section. 1492

(3) The state fire marshal may rescind a variance 1493
authorized under ~~this~~ division (C) (1) of this section, for cause 1494
at any time, ~~exclusively at the fire marshal's discretion.~~ 1495

Sec. 3743.60. (A) No person shall manufacture fireworks in 1496
this state unless it is a licensed manufacturer of fireworks, 1497
and no person shall operate a fireworks plant in this state 1498
unless it has been issued a license as a manufacturer of 1499
fireworks for the particular fireworks plant. 1500

(B) No person shall operate a fireworks plant in this 1501
state after its license as a manufacturer of fireworks for the 1502
particular fireworks plant has expired, been denied renewal, or 1503
been revoked, unless a new license has been obtained. 1504

(C) No licensed manufacturer of fireworks, during the 1505
effective period of its licensure, shall construct, locate, or 1506
relocate any buildings or other structures on the premises of 1507
its fireworks plant, make any structural change or renovation in 1508
any building or other structure on the premises of its fireworks 1509
plant, or change the nature of its manufacturing of fireworks so 1510
as to include the processing of fireworks without first 1511
obtaining a written authorization from the state fire marshal 1512
pursuant to division (B) of section 3743.04 of the Revised Code. 1513

(D) No licensed manufacturer of fireworks shall 1514
manufacture fireworks, possess fireworks for sale at wholesale 1515
or retail, or sell fireworks at wholesale or retail, in a manner 1516
not authorized by division (C) of section 3743.04 of the Revised 1517

Code. 1518

(E) No licensed manufacturer of fireworks shall knowingly 1519
fail to comply with the rules adopted by the state fire marshal 1520
pursuant to section 3743.05 of the Revised Code or the 1521
requirements of section 3743.06 of the Revised Code. 1522

(F) No licensed manufacturer of fireworks shall fail to 1523
maintain complete inventory, wholesale sale, and retail records 1524
as required by section 3743.07 of the Revised Code, or to permit 1525
inspection of these records or the premises of a fireworks plant 1526
pursuant to section 3743.08 of the Revised Code. 1527

(G) No licensed manufacturer of fireworks shall fail to 1528
comply with an order of the state fire marshal issued pursuant 1529
to division (B) (1) of section 3743.08 of the Revised Code, 1530
within the specified period of time. 1531

(H) No licensed manufacturer of fireworks shall fail to 1532
comply with an order of the state fire marshal issued pursuant 1533
to division (B) (2) of section 3743.08 of the Revised Code until 1534
the nonconformities are eliminated, corrected, or otherwise 1535
remedied or the seventy-two hour period specified in that 1536
division has expired, whichever first occurs. 1537

(I) No person shall smoke or shall carry a pipe, 1538
cigarette, or cigar, or a match, lighter, other flame-producing 1539
item, or open flame on, or shall carry a concealed source of 1540
ignition into, the premises of a fireworks plant, except as 1541
smoking is authorized in specified lunchrooms or restrooms by a 1542
manufacturer pursuant to division (C) of section 3743.06 of the 1543
Revised Code. 1544

(J) No person shall have possession or control of, or be 1545
under the influence of, any intoxicating liquor, beer, or 1546

controlled substance, while on the premises of a fireworks 1547
plant. 1548

(K) No licensed manufacturer of fireworks shall 1549
negligently fail to furnish a safety pamphlet to a purchaser of 1550
1.4G fireworks as required by division (A) of section 3743.47 of 1551
the Revised Code. 1552

(L) No licensed manufacturer of fireworks shall 1553
negligently fail to have safety glasses available for sale as 1554
required by division (B) of section 3743.47 of the Revised Code. 1555

Sec. 3743.61. (A) No person, except a licensed 1556
manufacturer of fireworks engaging in the wholesale sale of 1557
fireworks as authorized by division (C) (2) of section 3743.04 of 1558
the Revised Code, shall operate as a wholesaler of fireworks in 1559
this state unless it is a licensed wholesaler of fireworks, or 1560
shall operate as a wholesaler of fireworks at any location in 1561
this state unless it has been issued a license as a wholesaler 1562
of fireworks for the particular location. 1563

(B) No person shall operate as a wholesaler of fireworks 1564
at a particular location in this state after its license as a 1565
wholesaler of fireworks for the particular location has expired, 1566
been denied renewal, or been revoked, unless a new license has 1567
been obtained. 1568

(C) No licensed wholesaler of fireworks, during the 1569
effective period of its licensure, shall perform any 1570
construction, or make any structural change or renovation, on 1571
the premises on which the fireworks are sold without first 1572
obtaining a written authorization from the state fire marshal 1573
pursuant to division (B) of section 3743.17 of the Revised Code. 1574

(D) No licensed wholesaler of fireworks shall possess 1575

fireworks for sale at wholesale or retail, or sell fireworks at 1576
wholesale or retail, in a manner not authorized by division (C) 1577
of section 3743.17 of the Revised Code. 1578

(E) No licensed wholesaler of fireworks shall knowingly 1579
fail to comply with the rules adopted by the state fire marshal 1580
pursuant to section 3743.18 or the requirements of section 1581
3743.19 of the Revised Code. 1582

(F) No licensed wholesaler of fireworks shall fail to 1583
maintain complete inventory, wholesale sale, and retail records 1584
as required by section 3743.20 of the Revised Code, or to permit 1585
inspection of these records or the premises of the wholesaler 1586
pursuant to section 3743.21 of the Revised Code. 1587

(G) No licensed wholesaler of fireworks shall fail to 1588
comply with an order of the state fire marshal issued pursuant 1589
to division (B) (1) of section 3743.21 of the Revised Code, 1590
within the specified period of time. 1591

(H) No licensed wholesaler of fireworks shall fail to 1592
comply with an order of the state fire marshal issued pursuant 1593
to division (B) (2) of section 3743.21 of the Revised Code until 1594
the nonconformities are eliminated, corrected, or otherwise 1595
remedied or the seventy-two hour period specified in that 1596
division has expired, whichever first occurs. 1597

(I) No person shall smoke or shall carry a pipe, 1598
cigarette, or cigar, or a match, lighter, other flame-producing 1599
item, or open flame on, or shall carry a concealed source of 1600
ignition into, the premises of a wholesaler of fireworks, except 1601
as smoking is authorized in specified lunchrooms or restrooms by 1602
a wholesaler pursuant to division (D) of section 3743.19 of the 1603
Revised Code. 1604

(J) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance, while on the premises of a wholesaler of fireworks.

(K) No licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by division (A) of section 3743.47 of the Revised Code.

(L) No licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by division (B) of section 3743.47 of the Revised Code.

Sec. 3743.63. (A) No person who ~~resides in another state and~~ purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with ~~section~~ sections 3743.44 to 3743.46 of the Revised Code.

(B) ~~No~~ Except for the purchase of 1.4G fireworks made under section 3743.45 of the Revised Code, no person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. ~~No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~

(C) ~~No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with section 3743.45 of the Revised Code.~~

~~(D) No person who resides in this state and who purchases~~

fireworks in this state under section 3743.45 of the Revised 1634
Code shall ~~obtain possession of fireworks in this state other-~~ 1635
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1636
~~fail, when transporting the fireworks, to transport them-~~ 1637
~~directly out of this state within forty eight hours after the~~ 1638
~~time of their purchase. No such person shall give or sell to any~~ 1639
other person in this state fireworks that the person has 1640
acquired in this state. 1641

Sec. 3743.65. (A) No person shall possess fireworks in 1642
this state or shall possess for sale or sell fireworks in this 1643
state, except a licensed manufacturer of fireworks as authorized 1644
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1645
wholesaler of fireworks as authorized by sections 3743.15 to 1646
3743.21 of the Revised Code, a shipping permit holder as 1647
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1648
~~state resident~~ a licensed fountain device retailer as authorized 1649
by section 3743.27 of the Revised Code, a person as authorized 1650
~~by section sections 3743.44 of the Revised Code, a resident of~~ 1651
~~this state as authorized by section and 3743.45 of the Revised~~ 1652
Code, or a licensed exhibitor of fireworks as authorized by 1653
sections 3743.50 to 3743.55 of the Revised Code, and except as 1654
provided in section 3743.80 of the Revised Code. 1655

(B) Except as provided in ~~section sections 3743.45 and~~ 1656
3743.80 of the Revised Code and except for licensed exhibitors 1657
of fireworks authorized to conduct a fireworks exhibition 1658
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1659
person shall discharge, ignite, or explode any fireworks in this 1660
state. 1661

(C) No person shall use in a theater or public hall, what 1662
is technically known as fireworks showers, or a mixture 1663

containing potassium chlorate and sulphur. 1664

(D) No person shall sell fireworks of any kind to a person 1665
under eighteen years of age. No person under eighteen years of 1666
age shall enter a fireworks sales showroom unless that person is 1667
accompanied by a parent, legal guardian, or other responsible 1668
adult. No person under eighteen years of age shall touch or 1669
possess fireworks on a licensed premises without the consent of 1670
the licensee. A licensee may eject any person from a licensed 1671
premises that is in any way disruptive to the safe operation of 1672
the premises. 1673

(E) Except as otherwise provided in section 3743.44 of the 1674
Revised Code, no person, other than a licensed manufacturer, 1675
licensed wholesaler, licensed exhibitor, or shipping permit 1676
holder, shall possess 1.3G fireworks in this state. 1677

(F) Except as otherwise provided in division (J) of 1678
section 3743.06 and division (K) of section 3743.19 of the 1679
Revised Code, no person shall knowingly disable a fire 1680
suppression system as defined in section 3781.108 of the Revised 1681
Code on the premises of a fireworks plant of a licensed 1682
manufacturer of fireworks or on the premises of the business 1683
operations of a licensed wholesaler of fireworks. 1684

(G) No person shall negligently discharge, ignite, or 1685
explode fireworks while in possession or control of, or under 1686
the influence of, any intoxicating liquor, beer, or controlled 1687
substance. 1688

(H) No person shall negligently discharge, ignite, or 1689
explode fireworks on the property of another person without that 1690
person's permission to use fireworks on that property. 1691

Sec. 3743.67. (A) The Ohio fire code rule recommendation 1692

committee is hereby created to review Chapter 3743. of the 1693
Revised Code and make a recommendation to the state fire 1694
marshal. At a minimum, the committee shall make a recommendation 1695
to the state fire marshal relating to all of the following: 1696

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1697
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1698

(2) Section 3743.45 of the Revised Code relating to the 1699
purchase of 1.4G fireworks from licensed manufacturers or 1700
wholesalers; 1701

(3) Section 3743.75 of the Revised Code relating to the 1702
moratorium on licenses; 1703

(4) State fire marshal rulemaking of building code 1704
requirements for 1.3G manufacturing facilities. 1705

(5) Development of a state licensing program pursuant to 1706
section 3743.75 of the Revised Code. 1707

(B) The committee shall meet periodically, with the first 1708
meeting not later than ten days after the effective date of this 1709
section, and shall submit its report and recommendations to the 1710
state fire marshal not later than one hundred days after the 1711
effective date of this section. 1712

(C) The committee shall be made up of the following 1713
individuals: 1714

(1) The state fire marshal, or the state fire marshal's 1715
designee; 1716

(2) Four local fire chiefs appointed by the Ohio fire 1717
chiefs' association, or appointed by the association's designee; 1718

(3) A local police chief appointed by the attorney 1719

general, or the attorney general's designee; 1720

(4) Five members of the Ohio state pyrotechnics 1721
association, appointed by the president of the association, one 1722
of whom shall be a licensed wholesaler, one of whom shall be a 1723
licensed exhibitor, and one of whom shall be a licensed 1724
manufacturer; 1725

(5) One member of prevent blindness Ohio, or the 1726
organization's designee; 1727

(6) One member of the Ohio optometric association or the 1728
association's designee; 1729

(7) One member of the Ohio pyrotechnic arts guild or the 1730
organization's designee; 1731

(8) One representative of the Ohio chapter of the American 1732
academy of pediatrics, appointed by the president of the Ohio 1733
chapter; 1734

(9) One member of the Ohio council of retail merchants or 1735
the council's designee. 1736

Sec. 3743.75. (A) (1) During the period beginning on June 1737
29, 2001, and ending on December 31, 2020 ~~eighteen months after~~ 1738
the end of the period described in division (A)(2) of this 1739
section, the state fire marshal shall not do any of the 1740
following: 1741

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1742
under sections 3743.02 and 3743.03 of the Revised Code to a 1743
person for a particular fireworks plant unless that person 1744
possessed such a license for that fireworks plant immediately 1745
prior to June 29, 2001; 1746

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1747

sections 3743.15 and 3743.16 of the Revised Code to a person for 1748
a particular location unless that person possessed such a 1749
license for that location immediately prior to June 29, 2001; 1750

~~(3) Except as provided in division (B) of this section,~~ 1751
(2) During the period beginning on June 29, 2001, and ending two 1752
hundred sixty days after the effective date of this amendment, 1753
the state fire marshal shall not approve the geographic transfer 1754
of a license as a manufacturer or wholesaler of fireworks issued 1755
under this chapter to any location other than a location for 1756
which a license was issued under this chapter immediately prior 1757
to June 29, 2001. 1758

~~(B) Division (A)(3) of this section does not apply to a~~ 1759
~~transfer that the state fire marshal approves under division (F)~~ 1760
~~of section 3743.17 of the Revised Code.~~ 1761

~~(C)~~Notwithstanding section 3743.59 of the Revised Code, 1762
the prohibited activities established in ~~divisions~~division (A) 1763
(1) ~~and (2)~~ of this section, ~~geographic transfers approved~~ 1764
~~pursuant to division (F) of section 3743.17 of the Revised Code,~~ 1765
and storage locations allowed pursuant to division (I) of 1766
section 3743.04 of the Revised Code or ~~division (C)~~division (F) of 1767
section 3743.17 of the Revised Code are not subject to any 1768
variance, waiver, or exclusion. 1769

~~(D)~~(C) After the end of the period described in division 1770
(A)(1) of this section, the state fire marshal may issue new 1771
licenses as a manufacturer or wholesaler of fireworks. New 1772
licenses shall not be approved in such a manner that unduly 1773
burdens the state fire marshal's ability to ensure public 1774
safety. 1775

(D) As used in division (A) of this section: 1776

(1) "Person" includes any person or entity, in whatever
form or name, that acquires possession of a manufacturer or
wholesaler of fireworks license issued pursuant to this chapter
by transfer of possession of a license, whether that transfer
occurs by purchase, assignment, inheritance, bequest, stock
transfer, or any other type of transfer, on the condition that
the transfer is in accordance with division (D) of section
3743.04 of the Revised Code or division (D) of section 3743.17
of the Revised Code and is approved by the fire marshal.

(2) "Particular location" includes a licensed premises
and, regardless of when approved, any storage location approved
in accordance with section 3743.04 or 3743.17 of the Revised
Code.

(3) "Such a license" includes a wholesaler of fireworks
license that was issued in place of a manufacturer of fireworks
license that existed prior to June 29, 2001, and was requested
to be canceled by the license holder pursuant to division (D) of
section 3743.03 of the Revised Code.

Sec. 3743.99. (A) Whoever violates division (A) or (B) of
section 3743.60 or division (H) of section 3743.64 of the
Revised Code is guilty of a felony of the third degree.

(B) Whoever violates division (C) or (D) of section
3743.60, division (A), (B), (C), or (D) of section 3743.61, or
division (A) or (B) of section 3743.64 of the Revised Code is
guilty of a felony of the fourth degree.

(C) Whoever violates division (E), (F), (G), (H), (I), or
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J)
of section 3743.61, section 3743.63, division (D), (E), (F), or
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of

section 3743.65, or section 3743.66 of the Revised Code is 1806
guilty of a misdemeanor of the first degree. If the offender 1807
previously has been convicted of or pleaded guilty to a 1808
violation of division (I) of section 3743.60 or 3743.61 of the 1809
Revised Code, a violation of either of these divisions is a 1810
felony of the fifth degree. 1811

(D) Whoever violates division (C) of section 3743.64 of 1812
the Revised Code is guilty of a misdemeanor of the first degree. 1813
In addition to any other penalties that may be imposed on a 1814
licensed exhibitor of fireworks under this division and unless 1815
the third sentence of this division applies, the person's 1816
license as an exhibitor of fireworks or as an assistant 1817
exhibitor of fireworks shall be suspended, and the person is 1818
ineligible to apply for either type of license, for a period of 1819
five years. If the violation of division (C) of section 3743.64 1820
of the Revised Code results in serious physical harm to persons 1821
or serious physical harm to property, the person's license as an 1822
exhibitor of fireworks or as an assistant exhibitor of fireworks 1823
shall be revoked, and that person is ineligible to apply for a 1824
license as or to be licensed as an exhibitor of fireworks or as 1825
an assistant exhibitor of fireworks in this state. 1826

(E) Whoever violates division (F) of section 3743.65 of 1827
the Revised Code is guilty of a felony of the fifth degree. 1828

(F) Whoever violates division (G) of section 3743.65 of 1829
the Revised Code is guilty of a misdemeanor of the first degree. 1830
Notwithstanding any other provision of law to the contrary, a 1831
person may be convicted at the same trial or proceeding of a 1832
violation of division (G) of section 3743.65 of the Revised Code 1833
and a violation of division (B) of section 2917.11 of the 1834
Revised Code that constitutes the basis of the charge of the 1835

violation of division (G) of section 3743.65 of the Revised 1836
Code. 1837

(G) Whoever violates division (B) or (C) of section 1838
3743.27 or division (K) or (L) of section 3743.60 or division 1839
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1840
misdemeanor of the second degree. 1841

(H) Whoever violates division (H) of section 3743.65 of 1842
the Revised Code is guilty of a minor misdemeanor. 1843

Sec. 5703.21. (A) Except as provided in divisions (B) and 1844
(C) of this section, no agent of the department of taxation, 1845
except in the agent's report to the department or when called on 1846
to testify in any court or proceeding, shall divulge any 1847
information acquired by the agent as to the transactions, 1848
property, or business of any person while acting or claiming to 1849
act under orders of the department. Whoever violates this 1850
provision shall thereafter be disqualified from acting as an 1851
officer or employee or in any other capacity under appointment 1852
or employment of the department. 1853

(B) (1) For purposes of an audit pursuant to section 117.15 1854
of the Revised Code, or an audit of the department pursuant to 1855
Chapter 117. of the Revised Code, or an audit, pursuant to that 1856
chapter, the objective of which is to express an opinion on a 1857
financial report or statement prepared or issued pursuant to 1858
division (A) (7) or (9) of section 126.21 of the Revised Code, 1859
the officers and employees of the auditor of state charged with 1860
conducting the audit shall have access to and the right to 1861
examine any state tax returns and state tax return information 1862
in the possession of the department to the extent that the 1863
access and examination are necessary for purposes of the audit. 1864
Any information acquired as the result of that access and 1865

examination shall not be divulged for any purpose other than as 1866
required for the audit or unless the officers and employees are 1867
required to testify in a court or proceeding under compulsion of 1868
legal process. Whoever violates this provision shall thereafter 1869
be disqualified from acting as an officer or employee or in any 1870
other capacity under appointment or employment of the auditor of 1871
state. 1872

(2) For purposes of an internal audit pursuant to section 1873
126.45 of the Revised Code, the officers and employees of the 1874
office of internal audit in the office of budget and management 1875
charged with directing the internal audit shall have access to 1876
and the right to examine any state tax returns and state tax 1877
return information in the possession of the department to the 1878
extent that the access and examination are necessary for 1879
purposes of the internal audit. Any information acquired as the 1880
result of that access and examination shall not be divulged for 1881
any purpose other than as required for the internal audit or 1882
unless the officers and employees are required to testify in a 1883
court or proceeding under compulsion of legal process. Whoever 1884
violates this provision shall thereafter be disqualified from 1885
acting as an officer or employee or in any other capacity under 1886
appointment or employment of the office of internal audit. 1887

(3) As provided by section 6103(d) (2) of the Internal 1888
Revenue Code, any federal tax returns or federal tax information 1889
that the department has acquired from the internal revenue 1890
service, through federal and state statutory authority, may be 1891
disclosed to the auditor of state or the office of internal 1892
audit solely for purposes of an audit of the department. 1893

(4) For purposes of Chapter 3739. of the Revised Code, an 1894
agent of the department of taxation may share information with 1895

the division of state fire marshal that the agent finds during 1896
the course of an investigation. 1897

(C) Division (A) of this section does not prohibit any of 1898
the following: 1899

(1) Divulging information contained in applications, 1900
complaints, and related documents filed with the department 1901
under section 5715.27 of the Revised Code or in applications 1902
filed with the department under section 5715.39 of the Revised 1903
Code; 1904

(2) Providing information to the office of child support 1905
within the department of job and family services pursuant to 1906
section 3125.43 of the Revised Code; 1907

(3) Disclosing to the motor vehicle repair board any 1908
information in the possession of the department that is 1909
necessary for the board to verify the existence of an 1910
applicant's valid vendor's license and current state tax 1911
identification number under section 4775.07 of the Revised Code; 1912

(4) Providing information to the administrator of workers' 1913
compensation pursuant to sections 4123.271 and 4123.591 of the 1914
Revised Code; 1915

(5) Providing to the attorney general information the 1916
department obtains under division (J) of section 1346.01 of the 1917
Revised Code; 1918

(6) Permitting properly authorized officers, employees, or 1919
agents of a municipal corporation from inspecting reports or 1920
information pursuant to section 718.84 of the Revised Code or 1921
rules adopted under section 5745.16 of the Revised Code; 1922

(7) Providing information regarding the name, account 1923

number, or business address of a holder of a vendor's license 1924
issued pursuant to section 5739.17 of the Revised Code, a holder 1925
of a direct payment permit issued pursuant to section 5739.031 1926
of the Revised Code, or a seller having a use tax account 1927
maintained pursuant to section 5741.17 of the Revised Code, or 1928
information regarding the active or inactive status of a 1929
vendor's license, direct payment permit, or seller's use tax 1930
account; 1931

(8) Releasing invoices or invoice information furnished 1932
under section 4301.433 of the Revised Code pursuant to that 1933
section; 1934

(9) Providing to a county auditor notices or documents 1935
concerning or affecting the taxable value of property in the 1936
county auditor's county. Unless authorized by law to disclose 1937
documents so provided, the county auditor shall not disclose 1938
such documents; 1939

(10) Providing to a county auditor sales or use tax return 1940
or audit information under section 333.06 of the Revised Code; 1941

(11) Subject to section 4301.441 of the Revised Code, 1942
disclosing to the appropriate state agency information in the 1943
possession of the department of taxation that is necessary to 1944
verify a permit holder's gallonage or noncompliance with taxes 1945
levied under Chapter 4301. or 4305. of the Revised Code; 1946

(12) Disclosing to the department of natural resources 1947
information in the possession of the department of taxation that 1948
is necessary for the department of taxation to verify the 1949
taxpayer's compliance with section 5749.02 of the Revised Code 1950
or to allow the department of natural resources to enforce 1951
Chapter 1509. of the Revised Code; 1952

(13) Disclosing to the department of job and family 1953
services, industrial commission, and bureau of workers' 1954
compensation information in the possession of the department of 1955
taxation solely for the purpose of identifying employers that 1956
misclassify employees as independent contractors or that fail to 1957
properly report and pay employer tax liabilities. The department 1958
of taxation shall disclose only such information that is 1959
necessary to verify employer compliance with law administered by 1960
those agencies. 1961

(14) Disclosing to the Ohio casino control commission 1962
information in the possession of the department of taxation that 1963
is necessary to verify a casino operator's compliance with 1964
section 5747.063 or 5753.02 of the Revised Code and sections 1965
related thereto; 1966

(15) Disclosing to the state lottery commission 1967
information in the possession of the department of taxation that 1968
is necessary to verify a lottery sales agent's compliance with 1969
section 5747.064 of the Revised Code; 1970

(16) Disclosing to the development services agency 1971
information in the possession of the department of taxation that 1972
is necessary to ensure compliance with the laws of this state 1973
governing taxation and to verify information reported to the 1974
development services agency for the purpose of evaluating 1975
potential tax credits, grants, or loans. Such information shall 1976
not include information received from the internal revenue 1977
service the disclosure of which is prohibited by section 6103 of 1978
the Internal Revenue Code. No officer, employee, or agent of the 1979
development services agency shall disclose any information 1980
provided to the development services agency by the department of 1981
taxation under division (C) (16) of this section except when 1982

disclosure of the information is necessary for, and made solely 1983
for the purpose of facilitating, the evaluation of potential tax 1984
credits, grants, or loans. 1985

(17) Disclosing to the department of insurance information 1986
in the possession of the department of taxation that is 1987
necessary to ensure a taxpayer's compliance with the 1988
requirements with any tax credit administered by the development 1989
services agency and claimed by the taxpayer against any tax 1990
administered by the superintendent of insurance. No officer, 1991
employee, or agent of the department of insurance shall disclose 1992
any information provided to the department of insurance by the 1993
department of taxation under division (C)(17) of this section. 1994

(18) Disclosing to the division of liquor control 1995
information in the possession of the department of taxation that 1996
is necessary for the division and department to comply with the 1997
requirements of sections 4303.26 and 4303.271 of the Revised 1998
Code; 1999

(19) Disclosing to the state fire marshal information in 2000
the possession of the department of taxation that is necessary 2001
for the state fire marshal to verify the compliance of a 2002
licensed manufacturer of fireworks or a licensed wholesaler of 2003
fireworks with section 3743.22 of the Revised Code. No officer, 2004
employee, or agent of the state fire marshal shall disclose any 2005
information provided to the state fire marshal by the department 2006
of taxation under division (C)(19) of this section. 2007

Section 2. That existing sections 3743.01, 3743.04, 2008
3743.08, 3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2009
3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 2010
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2011

Section 3. The amendments to sections 3743.08, 3743.21, 2012
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2013
3743.65, 3743.99, and 5703.21 of the Revised Code made in 2014
Sections 1 and 2 of this act and the enactment of sections 2015
3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 2016
this act, take effect two hundred sixty days after the effective 2017
date of this section. The amendments to sections 3743.01, 2018
3743.04, 3743.15, 3743.17, 3743.22, 3743.25, 3743.26 to 3743.29, 2019
and 3743.75 and the enactment of sections 3743.451 and 3743.67 2020
of the Revised Code in Sections 1 and 2 of this act shall take 2021
effect at the earliest time permitted by law. 2022

Section 4. Notwithstanding divisions (A) and (B) of 2023
section 3743.26 of the Revised Code, as enacted by this act, the 2024
State Fire Marshal shall not issue any licenses to sell fountain 2025
devices at retail in 2020. 2026